

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

August 3, 2006



PV 06-14: Jim Davis (for Habitat for Humanity)

CASE DESCRIPTION: A request to allow a variance to the minimum 7.5 foot side setback requirement to correct a construction error on a residential lot.

LOCATION: 904 Dansby Street

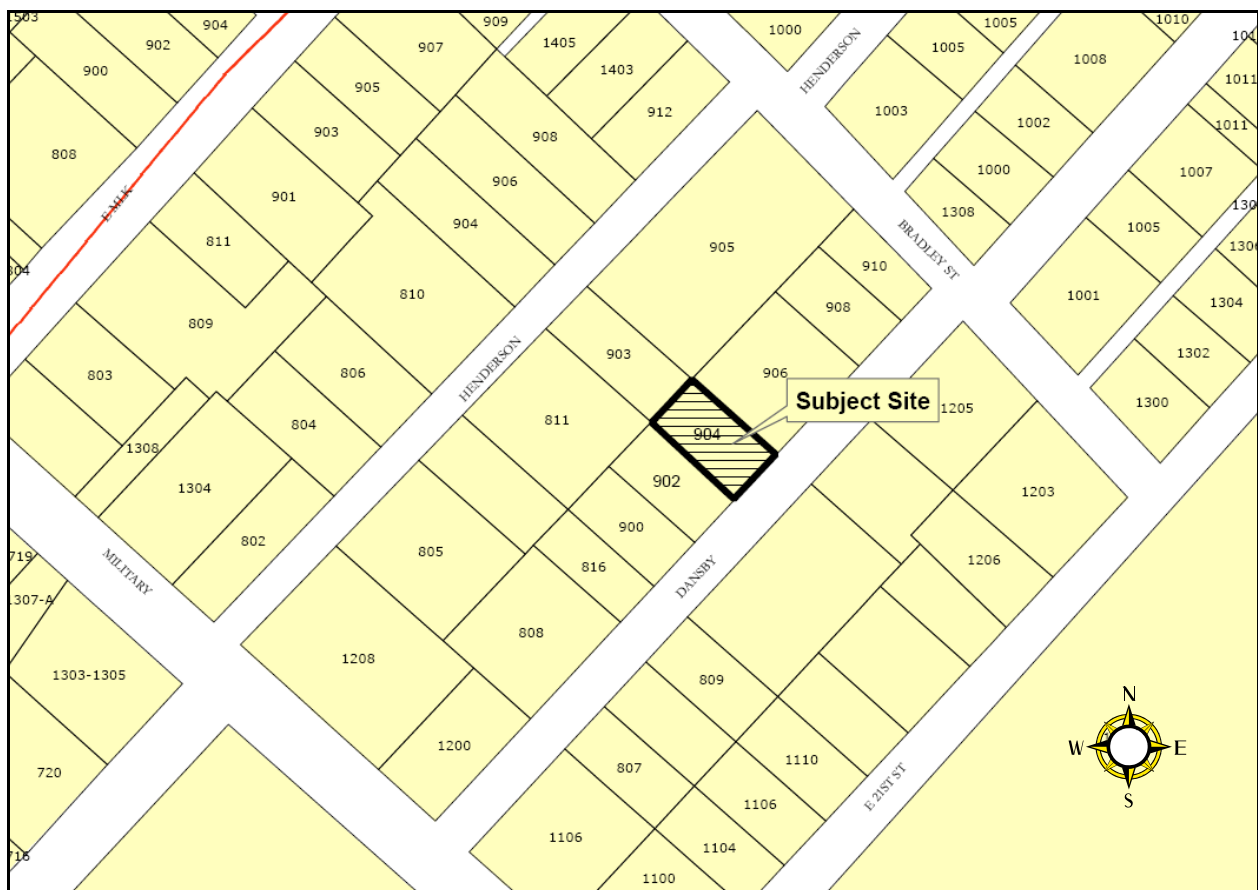
LEGAL DESCRIPTION: Wiley B Higgs Subdivision, Block 1, Lot 19

EXISTING LAND USE: Residential

APPLICANT(S): Jim Davis (for Habitat for Humanity)

STAFF CONTACT: Stephan Gage, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the variance, as requested.



GALINDO ENGINEERS AND PLANNERS, INC.

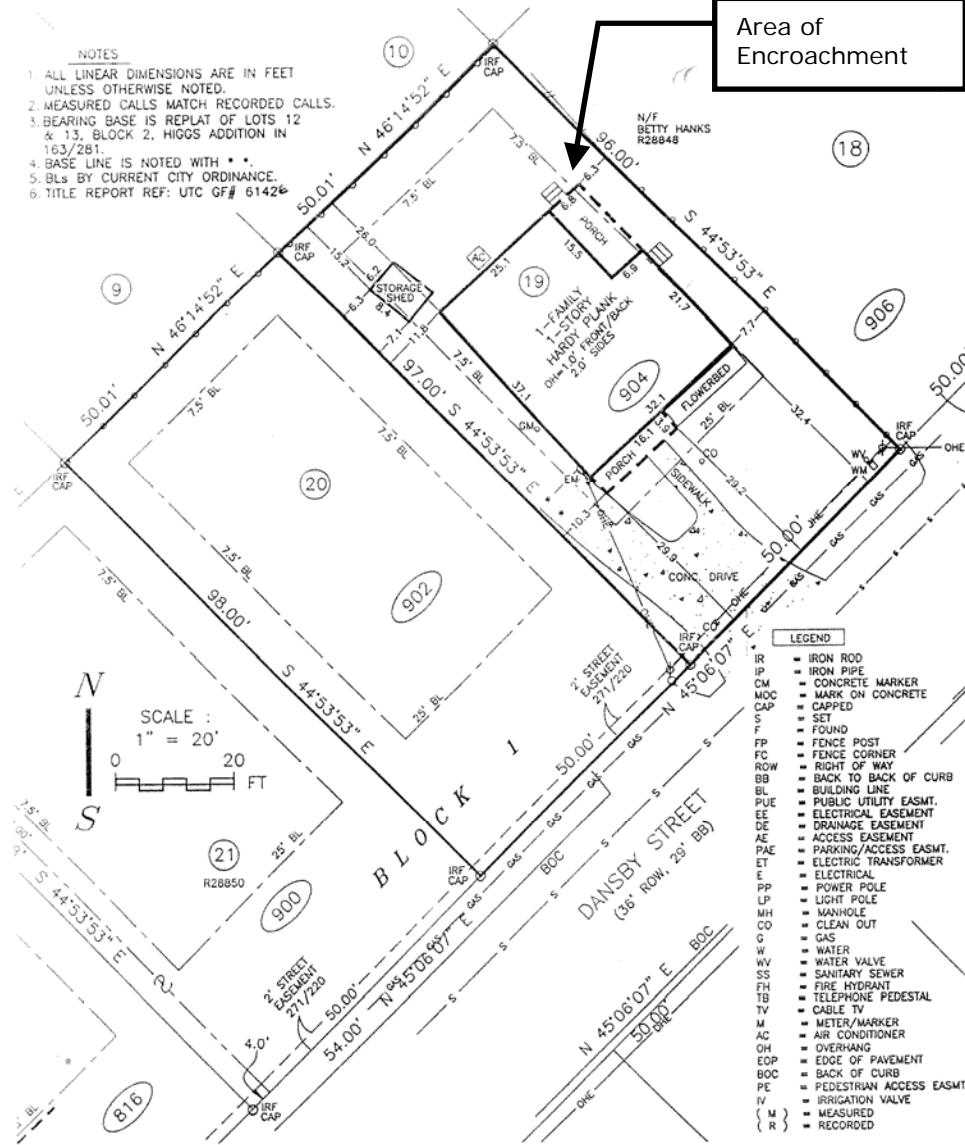
3833 South Texas Ave., Suite 213 Bryan, Texas 77802 (979) 846-8868

3-0601

KATHRYN MAURER
904 DANSBY STREET
LOT 19, BLOCK 1
WILEY B. HIGGS' DIVISION
BRYAN, BRAZOS COUNTY, TEXAS

- NOTES**
1. ALL LINEAR DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
 2. MEASURED CALLS MATCH RECORDED CALLS.
 3. BEARING BASE IS REPLAT OF LOTS 12 & 13, BLOCK 2, HIGGS' ADDITION IN 163/261.
 4. BASE LINE IS NOTED WITH * *.
 5. BLS BY CURRENT CITY ORDINANCE.
 6. TITLE REPORT REF: UTC GF# 61426

Area of
Encroachment



This is to certify that June 26, 2006, a survey was completed under my supervision and control on the ground of the property legally described as Lot 19, Block 1, Wiley B. Higgs' Division, City of Bryan, Texas, according to the plat thereof recorded in Volume 38, Page 555, Deed Records, Brazos County Texas, and that this plat is true with that survey.

This also certifies that, to the best of my knowledge based on the information currently available to me, there are no building structures, building structures intrusions or protrusions, apparent conflicts or visible evidence of easements other than what is shown hereon. Furthermore, as shown on FEMA's FIRM Map # 48041 C 0133 C for Brazos County, Texas, dated July 2, 1992, this property does not lie within a regulatory 100-year flood plain.

CHRISTIAN A. GALINDO, P.E. # 53425, R.P.L.S. # 4473
June 27, 2006





**VIEW OF THE ENTIRE
FRONT OF THE PROPERTY.**



**VIEW OF NORTHEAST
CORNER OF THE RESIDENCE
FROM DANSBY STREET,
SHOWING THE STATED SIDE
SETBACK ENCROACHMENT.**

BACKGROUND:

The applicant requests a variance to the 7.5 feet minimum side setback requirement to correct an error in the sighting and placement of the slab for the existing residence. The northeast corner of the slab encroaches into the side setback approximately 1.2 feet.

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from minimum building setback standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200-foot radius);

Staff contends that the slab sighting error is an isolated incident that will not adversely affect development in the area.

2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property;

Granting the variance will not be detrimental to abutting properties. The encroachment does not increase the risk of fire damage or storm runoff on adjacent properties, nor does it impede the ability of emergency personnel to respond to an event at this property or adjacent properties in the area.

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

Staff believes that denying the variance would impose greater hardships and difficulties upon the applicant than the benefits derived by the general public because the only remedy to the encroachment would be demolition or substantial alteration of the residence.

RECOMMENDATION:

Staff recommends **approving** the variance, as requested.